REMARKS

Claims 1-33 are pending in the application. Claims 1-27 stand rejected and claims 28-33 remain withdrawn from consideration.

Election/Restrictions

The Final Office Action does not respond to Applicant's request for reconsideration of the claim restrictions as set forth in the previous Amendment, and it appears that the restriction requirements have been maintained. Accordingly, by the above amendment, Applicant has canceled claims 28-33.

Claim Rejections Under 35 U.S.C. § 103

The following obviousness rejections were asserted:

(i) Claims 1, 2, 6-9, 10-16, 18, 21-24 and 25 stand rejected as being anticipated by U.S. Patent No. 5,903,878 to Talati, et al. in view of U.S. Publication No. 2004/0260653 to Tsuei et al.;

(ii) Claims 3-5, 19 and 20 stand rejected as being unpatentable over Talati in view of Tsuei, as applied to claims 1 and 18, and further in view of U.S. Publication No. 2001/0037464 to Persels, et al.;

(iii) Claim 17 stands rejected as being unpatentable over Talati and Tsuei as applied to claim 1, and further in view of U.S. Publication No. 2003/0018572 to Beschle, et al.; and

(iv) Claims 26 and 27 stand rejected as being unpatentable over Talati and Tsuei as applied to claim 25 above, and further in view of U.S. Publication No. 2001/004050 to Fletcher et al.

Each of the obvious rejections are based, in part, on Tsuei. Applicant respectfully traverses the claim rejections and contends that the Final Office Action fails to present a *prima facie* case of obviousness based on Tsuei.

In the first instance, the Examiner has not demonstrated or established that Tsuei is prior art against the present claims. Indeed, Applicants' application has a priority date of May 23, 2001 and actual filing date of December 31, 2001. On the other hand, the Tsuei reference has an actual U.S. filing date of July 30, 2004, which is much later than the actual filing and priority dates of the current application. In this regard, the Examiner appears to rely on Tsuei as a 102(e) prior art reference based on Tsuei's claim to priority to a string of previous **Continuation-in-Part** applications, **all of which have been abandoned and most of which have filing dates that are later than the actual filing and priority dates of Applicant's current application.**

Even though Tsuei does claim priority to some applications that have filing dates prior to the actual filing and priority dates of the current application, **the Examiner has not demonstrated that Tsuei is a proper 102(e) prior art reference.** Indeed, it is axiomatic that under 102(e), in order to carry back the 102(e) critical date of a U.S. patent reference to the filing date of a parent reference, the Examiner must show that the parent application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph. **See, e.g., MPEP 2136.03, sections III and IV.**

In the case at bar, the Examiner relies on Tsuei , paragraph [0026], lines 1-5 as teaching that "*information regarding the private mailbox (i.e., true address of the mailbox) is not communicated to the second party (i.e., merchant) during the electronic transaction.*"

Irrespective of the validity of Examiner's obviousness analysis, Examiner merely relies on subject matter disclosed by the Tsuei publication, which is a child application having a filing date of July 30, 2004. However, this showing is insufficient as a matter of law because each abandoned parent application is a Continuation-in-Part, and Examiner must show, at the very least, that the subject matter relied on in the current Tsuei publication was included in the chain of priority parent and provisional applications including a parent having a filing date that precedes Applicant's current priority date of May 23, 2001.

In this regard, Applicant requests that Examiner prove that the subject matter of Tsuei as relied on by Examiner in making the obviousness rejection is indeed included in the chain of parent applications down to at least one parent having an earlier filing date than Applicant's priority date of May 23, 2001. In making this showing, the Examiner should provide copies of the abandoned applications for Applicant's consideration. Otherwise, all obviousness rejections based on Tsuei are invalid as a matter of law and must be withdrawn

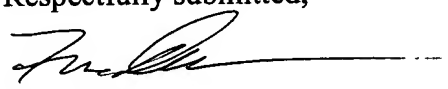
Notwithstanding the above, Examiner's reliance on Tsuei to cure the deficiencies of Talati is wholly misplaced. In the context of the claimed inventions of independent claims 1, 18 and 25, for example, an electronic transaction is confirmed by sending a confirmation message to a private mailbox of a first party (e.g., purchaser) wherein information regarding the private mailbox is not communicated to the second party (merchant) during the electronic transaction.

In contrast, the Examiner relies on Tsuei paragraph [0026], lines 1-5, which teaches that a purchaser has his/her product shipped to a business or residence address *without having to reveal the business or residence address to the shipper or merchant.* However, these teachings of maintaining the privacy of a purchaser's mailing address to which packages are sent to the

purchaser are fundamentally different from, and unrelated to, the claimed inventions which provide *maintaining the privacy of a mailbox to which confirmation messages are sent.* Indeed, the cited passage of Tsuei does *not* teach or suggest a private mailbox to which confirmation messages are sent to the first party to confirm the transaction, as currently claimed. In this regard, Examiner's reliance on Tsuei is clearly misplaced, and the purported motivation for modifying the teachings of Talati based on Tsuei to derive the claimed inventions is merely conclusory and legally insufficient to support a *prima facie* case of obviousness.

For at least the above reasons, it is respectfully submitted that the Examiner must withdraw the rejections under 35 U.S.C. § 103(a).

Respectfully submitted,



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